REMARKS

Claims 1 through 16 are pending in the subject patent application. Claim 1 has been objected to for an antecedent basis problem. Claims 1 through 7 and 10 through 14 have been rejected. Claims 8, 9, 15 and 16 have been objected to as being dependent on a rejected base claim. Accordingly, claims 1, 8, and 9 have been amended solely to overcome the formal grounds of objection.

Discussion of Amendments to the Claims

Specifically, claims 1, 8, and 9 have been amended solely to correct an antecedent basis problem pointed out by the Examiner in his objection to claim 1.

Reconsideration of the rejected claims is respectfully requested in view of these amendments and the arguments below.

Discussion of Rejections under 35 U.S.C. §102

Claims 1, 6, 7, and 10 through 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Steele. The Examiner contends that Steele discloses all of the limitations of these claims, if items (36, 38), (60), (30, 18) and (58) are respectively considered to be the "mandrel assembly", the "elongate fingers", the "sleeve", and the "actuation mechanism". (Actually, the Applicants respectfully point out that the fingers of Steele are item numbers 66, rather than 60, as explained in Steele at column 2, lines 59 through 66, and as shown in Figure 4. The fingers are mis-labeled as item number 60 in Figures 2 and 3 of Steele. Item 60 is actually a vertical retaining slot in the body 16. See column 2, lines 50 through 54, and Figure 4.) The Applicants respectfully submit that claims 1 and 13 overcome Steele.

Steele discloses a solid mandrel 14 which has an enlarged lower end 30 and an actuating cam 34 which forces the lower ends of the fingers 66 outwardly. See column 2, lines 11 through 25; column 3, lines 1 through 7; column 4, lines 21 through 30; and Figures 1, 3, and 4. There is no sleeve in Steele which pivots the downhole ends of the fingers 66 outwardly. (The Examiner has attempted to call the item 30 a "sleeve", but the Applicants respectfully point out that it is clearly not a sleeve. The universally accepted definition of a sleeve is, among other things, a hollow member. This definition is followed throughout the current application and shown in the Figures herein. It is well established that the universal definition of a term used in the claims is

followed, if used in accordance with that definition in the patent application. That definition of the term cannot be ignored by the examiner for the purpose of anticipating that term in the claims with an item in the prior art which does not comply with the universally accepted definition. In this case, the Applicants respectfully point out that the Examiner has ignored the fact that a sleeve is always a hollow member, and the fact that the sleeve of the present application is a hollow member, by attempting to characterize the solid mandrel as a hollow sleeve. There is a hollow sleeve 18 in Steele, but the Applicants respectfully point out that it does not force the lower ends of the fingers 66 outwardly; in fact it does not even contact the lower ends of the fingers 66.)

Further, the Applicants respectfully point out that Steele discloses fingers 66 which flex. The lower ends of the fingers 66 of Steele do not pivot about their upper end. See column 3, lines 4 and 5, and Figures 1 and 3. The upper ends of the fingers 66 do not pivot; they remain aligned vertically with the inner surface of the sleeve 18 while the lower ends flex outwardly, rather than pivoting.

Still further, the Applicants respectfully point out that Steele does not recite a separate latch mechanism other than the fingers 66. The fingers 66 are the only latch mechanism disclosed or even suggested by Steele; in fact, Steele could not be used with a separate latch mechanism, since the fingers 66 perform that function.

Further yet, the Applicants respectfully point out that in Steele, there is no component like a "finger cage" as used in the present application, which has pivot points to which the fingers 66 are pivoted.

Finally, the Applicants respectfully point out that in Steele, there is no component which forcibly pivots the fingers 66 outwardly when in one position and inwardly when in another position. That is, the cam surface 34 of the mandrel 14 of Steele can force the fingers to flex outwardly when the mandrel is in its upper position relative to the fingers 66. However, neither the mandrel 14 nor any other component of Steele forces the fingers 66 to pivot or even flex inwardly when in any position.

However, claim 1 of the present application recites fingers which pivot about their upper end, and a sleeve which forcibly pivots the dowhole ends of the fingers outwardly. Since Steele fails to teach fingers which pivot about their upper end or a sleeve which forcibly pivots the dowhole ends of the fingers outwardly, as is required to substantiate a §102 rejection, this

rejection of claim 1 is overcome. Since claims 6, 7, and 10 through 12 depend either directly or indirectly on claim 1, they also are distinguishable over Steele.

Further, claim 7 recites a finger cage which has pivot points from which the upper ends of the fingers are pivoted. Still further, claim 11, taken in conjunction with claim 1, recites that the sleeve pivots the lower ends of the fingers outwardly when the sleeve is in one position and inwardly when the sleeve is in another position. Finally, claim 12, taken in conjunction with claims 1 and 11, recites that the sleeve pivots the lower ends of the fingers outwardly when the sleeve is in its uphole position and inwardly when the sleeve is in its downhole position. Since Steele fails to teach these features, as is required to substantiate a §102 rejection, claims 7, 11, and 12 are allowable over Steele in their own right.

Claim 13 recites forcible pivoting of the downhole ends of the fingers outwardly, and latching of the fish with a separate latch mechanism other than the fingers. That is, in the present application as recited in claim 13, the fingers only perform a guiding function, while a separate latch mechanism latches to the fish. Since Steele fails to teach fingers which pivot outwardly or a separate latch mechanism which latches to the fish, as is required to substantiate a §102 rejection, this rejection of claim 13 is overcome. Since claim 14 depends on claim 13, it also is distinguishable over Steele.

Further, claim 14 recites pivoting of the lower ends of the fingers inwardly after latching the fish with the latch mechanism. That is, first the latch mechanism latches the fish, followed by the lower ends of the fingers being pivoted inwardly. Since Steele fails to teach latching the fish with a separate latch mechanism, or inward pivoting of the fingers, or the sequence of first latching the fish then pivoting the fingers inwardly, as is required to substantiate a §102 rejection, claim 14 is allowable over Steele in its own right.

Discussion of Double Patenting Rejections

Claims 1 through 7 and 10 through 14 have been rejected on the basis of obviousness type double patenting, in view of the parent patent. The Applicants respectfully submit herewith a Terminal Disclaimer to overcome this rejection.

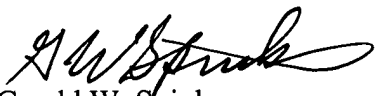
Discussion of Objections to the Claims

The Examiner has indicated that claims 8, 9, 15, and 16 would be allowable, but they have been objected to as being dependent on rejected base claims. However, in view of the allowability of their respective base claims, as discussed above, the Applicants respectfully submit that these claims are also allowable without being rewritten as independent claims.

The Applicants respectfully submit that claims 1 through 16 are patentable, and that the application is now in a condition for allowance. An early Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at (360)599-2285 for any reason that would advance the instant application to issue.

Dated this 1st day of March, 2006.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450, on this, the 1st day of March, 2006.

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